



AGENDA
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
July 1, 2008

Lake Forest City Hall
25550 Commercentre Drive
City Council Chamber
Lake Forest, California 92630

NOTICE: Pursuant to Lake Forest Municipal Code Section 2.04.010, Regular Meetings of the City Council are held the First and Third Tuesday of each month at the hour of 6:00 p.m. for Closed Session matters, if required. The Public Session of the meeting shall commence at 7:00 p.m. or as soon thereafter as possible.

AGENDA ON THE INTERNET: The Agenda is available through the Internet at www.ci.lake-forest.ca.us. You can access the document on the Friday before the meeting on Tuesday. A brief summary of the actions taken at the meeting will be posted on the Internet the Thursday following the meeting.

AGENDA DOCUMENT REVIEW: The full Agenda including all back up information is available at City Hall, 25550 Commercentre Dr., Lake Forest, California, on the Friday prior to the Tuesday meeting.

AGENDA DESCRIPTION: The Agenda descriptions are intended to give notice to members of the public of a general summary of items of business to be transacted or discussed. The listed Recommended Action represents staff's recommendation. The City Council may take any action, which it deems to be appropriate on the agenda item and is not limited in any way by the recommended action.

CALL TO ORDER:

6:00 p.m.

ROLL CALL: Council Members:

Richard T. Dixon
Kathryn McCullough
Marcia Rudolph
Peter Herzog
Mark Tetterer

Mayor Pro Tem:

Mayor:

City Manager:

City Attorney:

City Clerk:

Robert C. Dunek
Scott C. Smith
Sherry A.F. Wentz

CLOSED SESSION: At this time the City Council may recess to Closed Session for conference with Legal Counsel to discuss the items listed below pursuant to Government Code requirements. Any items not concluded by 7:00 p.m. may be continued to the end of the Public Session.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (3 properties: A - C)

City Negotiators: City Manager and City Attorney
Property Negotiators: Property Owners on Record
Under Negotiation: Price and Terms of Payment

- A. Property: Approximately 13.2 acres on APN 612-022-10
- B. Property: 20 acres located on APN 104-143-25 and 104-143-27, located at Rocky Road, west of Portola Parkway, south of Foothill Transportation Corridor, Lake Forest, CA
- C. Property: 7 acres located on APN 104-132-36, 104-132-65, located at 20996 Marin, Lake Forest, CA

2. CONFERENCE WITH LEGAL COUNSEL REGARDING THE FOLLOWING:

- A. Existing litigation pursuant to Government Code Section 54956.9(a):
Three (3) Cases
 - 1. Case Name: City of Lake Forest v. Lake Forest Body Centre
Case No. 07CC1155
 - 2. Case Name: Julie Ho v. City of Lake Forest
Case No. 30-2008-00107142
 - 3. Case Name: ATLF v. City of Lake Forest
Case No. SACV 07-250 DOC (ANx)
- B. Initiation of litigation pursuant to Government Code Section 54956.9:
One Case.

RECOMMENDED ACTION: Conduct Closed Session.

RECESS: City Council will recess from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council will reconvene, to continue regular City business.

PUBLIC SESSION

7:00 p.m.

PUBLIC SESSION: At this time the City Council will convene to consider public matters. Those wishing to address the City Council must submit a completed "Request to Speak" form to the City Clerk prior to City Council action.

PLEDGE OF ALLEGIANCE: Pledge of Allegiance to the Flag of our Country to be led by Mayor Pro Tem Herzog.

CLOSED SESSION REPORT: City Attorney will report on Closed Session.

PRESENTATIONS:

1. [REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS submitted by City Clerk.](#)

- A. CERTIFICATES OF RECOGNITION TO THE MEMBERS OF THE EL TORO HIGH SCHOOL BASEBALL TEAM, INDIVIDUAL EFFORTS OF CHAD THOMPSON, AND COACHING STAFF

RECOMMENDED ACTION: 1. Approve requests as submitted. 2. Make presentations to those present.

RECESS: City Council will recess for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council will reconvene to continue regular City business.

PUBLIC COMMENTS:

At this time members of the public may address the City Council regarding any items within the subject matter jurisdiction of the City Council. **NO** action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person and an overall time limit of thirty minutes for the Public Comments portion of the agenda.

Any person wishing to address the City Council on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council.

Whenever possible, lengthy testimony should be presented to the City Council in writing (8 copies) and only pertinent points presented orally. Additionally, a "Request to Register Written Comments" form is available at the desk of the City Clerk.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 2)

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

2. [WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \\$2,413,953.14.](#)

RECOMMENDED ACTION: Approve as submitted.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 3-11)

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

3. [MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.](#)

RECOMMENDED ACTION: Waive reading of Ordinances and Resolutions.

4. [MONTHLY TREASURER'S REPORT submitted by Director of Finance/City Treasurer.](#)

RECOMMENDED ACTION: Receive and file.

5. [MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL HELD ON MAY 27, 2008, submitted by City Clerk.](#)

RECOMMENDED ACTION: Approve as submitted.

6. [QUARTERLY REPORT ON COMMISSION ATTENDANCE submitted by City Clerk.](#)

RECOMMENDED ACTION: Approve Commission absences as excused.

7. [CELEBRATION ROAD CLOSURES AND RELATED ACTIVITIES – JULY 4, 2008, submitted by Director of Community Services.](#)

RECOMMENDED ACTION: 1. Approve road closures of race and parade route from 5:00 A.M. – 12:30 P.M. on July 4, 2008. 2. Direct Public Works to provide required traffic control devices and crews for road closures. 3. Direct Police Services to staff road closures and patrol events. 4. Approve street sweeping of route before race and after parade.

8. [REQUEST FOR PROPOSAL FOR THE EL TORO ROAD STREETScape PROJECT – PHASE 1 \(PW 2007.02\) submitted by Director of Public Works/City Engineer.](#)

RECOMMENDED ACTION: 1. Approve the Request for Proposal (RFP) for the El Toro Road Streetscape Project – Phase 1 between Muirlands Boulevard and Jeronimo Road. 2. Authorize staff to solicit proposals for these professional services.

9. [FIRST AMENDMENT TO AGREEMENT FOR BUS SHELTER AND CONCRETE BUS BENCH MAINTENANCE SERVICES submitted by Director of Public Works/City Engineer.](#)

RECOMMENDED ACTION: 1. Approve the First Amendment to Agreement for Bus Shelter and Concrete Bus Bench Maintenance Services with ShelterClean, Inc., substantially in the form attached. 2. Authorize the Mayor to sign, and the City Clerk to attest, the contract amendment.

10. [SIX MONTH NOTICE OF CONTRACT EXPIRATION: STREET SWEEPING SERVICES submitted by Director of Public Works/City Engineer.](#)

RECOMMENDED ACTION: Receive and file.

11. [NOTICE OF COMPLETION FOR THE ASPHALT CONCRETE RESURFACING PROJECT ON VARIOUS CITY STREETS \(PW 2007.17A\) submitted by Director of Public Works/City Engineer.](#)

RECOMMENDED ACTION: 1. Find that Hardy and Harper, Inc. of Santa Ana, California, has completed the construction of the Asphalt Concrete Resurfacing Project on Various City Streets (PW 2007.17A). 2. Approve the Notice of Completion and authorize the Mayor to execute the document on behalf of the City. 3. Authorize the City Clerk to submit said Notice of Completion for recordation to the Office of the County Recorder of Orange County, within ten days of the City Council approval, as required by Section 3093 of the California Civil Code. 4. Authorize payment to the contractor of the ten percent (10%) retention, in the amount of \$23,679.45, 35 days after the recording date of the Notice of Completion, providing no Stop Notices are on file with the City preventing the release of the final payment.

CONTINUED PUBLIC HEARING:

Public Hearings are scheduled for a time certain of 7:00 p.m. or as soon thereafter as possible. City Council, when considering the matter scheduled for hearing, will take the following actions: 1. Open the Public Hearing. 2. Receive staff report. 3. Accept public testimony. 4. City Council comments and questions. 5. Take appropriate action. Those wishing to address the City Council during the Public Hearing must complete a "Request to Speak" form and provide it to the City Clerk prior to the hearing.

12. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE LAKE FOREST MUNICIPAL CODE AND PLANNED COMMUNITY TEXTS REGARDING MASSAGE ESTABLISHMENTS submitted by Director of Development Services and City Attorney.](#)

RECOMMENDED ACTION: Introduce and approve for first reading the ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE LAKE FOREST MUNICIPAL CODE AND PLANNED COMMUNITY TEXTS REGARDING MASSAGE ESTABLISHMENT ZONING RESTRICTIONS AND ENACTING AN AMORTIZATION PERIOD FOR NON-CONFORMING MASSAGE ESTABLISHMENTS.

DISCUSSION/ACTION ITEMS:

The following matters are for City Council consideration/discussion/action. Members of the public may have the opportunity to address these items if they wish to do so. Please complete the "Request to Speak" form and give to the City Clerk.

13. [DISCUSSION REGARDING GENERAL PLAN CIRCULATION ELEMENT submitted by Director Public Works/City Engineer and Director of Development Services.](#)

RECOMMENDED ACTION: City Council discussion regarding General Plan Circulation Element. Receive and file report.

14. [ADOPTION OF ORDINANCE NOS. 186-187 AND 190 submitted by City Attorney and City Clerk.](#)

RECOMMENDED ACTION: 1. Conduct second reading of the following Ordinances entitled:

[Ordinance No. 186 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE LAKE FOREST MUNICIPAL CODE BY ADDING CHAPTER 7.19 TO TITLE 7 OF THE LAKE FOREST MUNICIPAL CODE REGARDING THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM.](#)

[Ordinance No. 187 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT \(GPA\) 2008-02 TO ALLOW FOR RESIDENTIAL USES, PUBLIC FACILITIES, COMMERCIAL USES AND MIXED USES WITHIN THE OPPORTUNITIES STUDY AREA.](#)

[Ordinance No. 190 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-03, IRVINE RANCH WATER DISTRICT, TO REZONE 82 ACRES FROM AGRICULTURE \(A1\) TO MULTI-FAMILY RESIDENTIAL WITH A PLANNED DEVELOPMENT \(R2-PD\) OVERLAY, WITHIN THE OPPORTUNITIES STUDY AREA.](#)

2. Adopt Ordinances Nos. 186-187 and 190 as submitted.

15. [ADOPTION OF ORDINANCE NOS. 188-189 AND 191-194 submitted by City Attorney and City Clerk.](#)

RECOMMENDED ACTION: 1. Conduct second reading of the following Ordinances entitled:

[Ordinance No. 188 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-01, SHEA/BAKER RANCH, TO REZONE 387 ACRES WITHIN THE BAKER RANCH PLANNED COMMUNITY FROM URBAN ACTIVITY TO RESIDENTIAL AND MIXED-USE IN THE BAKER RANCH PLANNED COMMUNITY, WITHIN THE OPPORTUNITIES STUDY AREA.](#)

Ordinance No. 189 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-02, PORTOLA CENTER, TO REZONE 243 ACRES WITHIN THE PORTOLA HILLS PLANNED COMMUNITY TO ALLOW FOR RESIDENTIAL USES, PUBLIC FACILITIES, AND MIXED USES, WITHIN THE OPPORTUNITIES STUDY AREA.

Ordinance No. 191 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-04, WHISLER, TO REZONE 13 ACRES FROM AGRICULTURAL (A1) TO SINGLE-FAMILY RESIDENTIAL WITH PLANNED DEVELOPMENT OVERLAY (RS-PD), WITHIN THE OPPORTUNITIES STUDY AREA.

Ordinance No. 192 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2008-05, PACIFIC HERITAGE/PEACHWOOD, TO REZONE 18 ACRES IN THE SERRANO HIGHLANDS PLANNED COMMUNITY TO ALLOW FOR MEDIUM-DENSITY RESIDENTIAL WITHIN THE OPPORTUNITIES STUDY AREA.

Ordinance No. 193 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND USA PORTOLA PROPERTIES, LLC FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ.

Ordinance No. 194 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST, MADISON INVESTMENTS LP AND THE HEERS FAMILY TRUST FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ.

2. Adopt Ordinance Nos. 188-189 and 191-194 as submitted.

16. [ACTIONS REGARDING MEMORANDUM OF UNDERSTANDING FOR THE SERRANO CREEK RESTORATION submitted by Director of Public Works/City Engineer.](#)

RECOMMENDED ACTION: Receive and file.

17. [LEGISLATIVE MATTERS submitted by Assistant to the City Manager.](#)

RECOMMENDED ACTION: Receive and file report with minute action to adopt positions on various legislative proposals as recommended.

18. [REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by City Clerk.](#)

RECOMMENDED ACTION: City Council discretion.

CITY MANAGER'S REPORT:

At this time the City Manager may comment on agenda and non-agenda items; and report on items of interest to the City Council and community.

CITY COUNCIL COMMENTS:

At this time City Council Members may comment on agenda or non-agenda matters. No discussion may take place on any item not appearing on the posted agenda. Council Members may ask a question for clarification, respond to statements made or questions posed by the public, make a brief announcement, or make a brief report on his or her own activities. In addition, the City Council may refer to staff or other resources for factual information, request staff to report back at a subsequent meeting or direct staff to place a matter of business on a future agenda. No action may be taken on non-agenda matters unless authorized by law (Government Code Section 54954.2).

Council Member Dixon:

Council Member McCullough:

Council Member Rudolph:

Mayor Pro Tem Herzog:

Mayor Tettermer:

CLOSED SESSION:

At this time the City Council may recess to Closed Session for conference with Legal Counsel to discuss the items listed below pursuant to Government Code requirements. This matter is continued from the 6:00 p.m. portion of this agenda.

RECOMMENDED ACTION: Conduct continued Closed Session.

ADJOURNMENT:



In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this Meeting, including auxiliary aids or services, you should contact the Office of the City Clerk at (949) 461-3400. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and agenda back-up materials can be obtained from the Office of the City Clerk on the Friday prior to the City Council meeting. Agenda and agenda packets, if requested, will be made available in an appropriate alternative format to persons with a disability as required by the Americans With Disabilities Act. Copies of the agenda are provided at no cost and agenda back-up materials are available at the per page copy cost. If you wish to be added to the mailing list to receive a copy of the agenda, request must be provided to the City Clerk in writing.

The City of Lake Forest mailing address is 25550 Commercentre Drive, Lake Forest, California 92630.
Phone: (949) 461-3400. FAX (949) 461-3511.

CERTIFICATION: I, Sherry A.F. Wentz, City Clerk of the City of Lake Forest, California, hereby certify that the foregoing agenda was posted for public review on Thursday, June 26, 2008, at 6:00 p.m.

Sherry A.F. Wentz, CMC
City Clerk